

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA :
 :
 v. : Case No. 1:17-CR-00027
 :
 JOEL SMITHERS :

MOTION TO SUPPRESS EVIDENCE

The United States of America (“Government”), by counsel, hereby moves the Court to suppress any evidence offered by the defendant at trial which has not been disclosed to the Government in accordance with Federal Rules of Criminal Procedure 16(b) and 26.2. To date, the defendant has made no disclosures to the Government. In support of this Motion, the Government states:

1. On June 28, 2018, a letter (copy attached as Exhibit A) was sent to Donald Williams, Jr., counsel for defendant, which enclosed initial discovery materials per his request. The letter advised defense counsel that the discovery disclosure constituted a request as set forth in Federal Rule of Criminal Procedure 16.
2. Additional discovery materials were provided to defense counsel on October 30, 2018 and March 14, 2019.
3. The letter marked as Exhibit A made the following request pertaining to the Government’s request for disclosure of items to which it is entitled:

Please note that by this letter the United States requests disclosure of all items to which it is entitled under Federal Rules of Criminal Procedure 16 and 26.2.

WHEREFORE, the Government moves the Court to enter an order granting this Motion to Suppress Evidence.

Respectfully submitted,

THOMAS T. CULLEN
United States Attorney

s/ Zachary T. Lee
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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

s/ Zachary T. Lee
Assistant United States Attorney